

REMARKS

The above-identified Office Action has been studied carefully and by the present amendments and remarks an earnest attempt is being made to place the subject application in condition for immediate allowance. No new issues are raised that would require a further search and the Examiner is respectfully requested to enter and consider the amendments and remarks set forth herein. Accordingly, reconsideration of the application is respectfully requested.

Claims 10-18 were allowed in the Office Action of 4/14/04. Similarly, claim 21 was not rejected in view of any art and would be allowable upon addressing the Examiner's rejection under 35 USC § 112, second paragraph, described below.

Claims 1-4, 8-9 and 21 were rejected under 35 USC § 112, second paragraph, as allegedly not setting forth the structure of the draft rod providing the function of limiting upward vertical movement of the deck relative to the frame to a predetermined upper stop location. The Examiner is requested to reconsider this rejection.

Applicant respectfully asserts that the above claims are definite in scope. However, in the interest of advancing the prosecution of the application, independent claims 1 and 21 have been further clarified. In particular, claim 1 now recites, in part, that "the portion of the frame comprises an axle assembly of the lawn mower and the draft rod comprises an **enlarged section** located between the axle assembly and the deck." Independent claim 21 also recites, in part, a "draft

rod comprising an **enlarged section** and being movably connected between between the deck and the portion of the frame to limit upward vertical movement ..."

In view of the foregoing, the Examiner's rejection under 35 USC § 112, second paragraph, should be reconsidered and withdrawn.

Lastly, claims 1-8, 19 and 20 were rejected under 35 USC §102(b) as being anticipated by Seegert (US 5937625). The Examiner is also requested to reconsider this rejection.

Claim 1 recites, in part, that the draft rod is "movably connected to a mounting section of the deck and longitudinally slidably connected to the portion of the frame to limit **upward** vertical movement of the deck relative to the frame to a predetermined upper stop location during in-use operation." Claim 1 further requires "a mounting section having a **limiter** for **limiting downward rotation** of the draft rod ..." Claims 3-4 and 6-8 each depend from claim 1 and recite further advantageous features of Applicant's lawn mower. Claims 2 and 5 have been canceled without prejudice. Independent claim 19 also requires a "mounting section having a **limiter** for **limiting downward rotation** of the limiting bar ..." Claim 20 depends directly from claim 19.

In Seegert, the draft rod 34 merely limits **downward vertical** movement. Moreover, in Seegert, the rod 34 is clearly free to rotate downward relative to the deck 14 **without any limitation**. For at least the foregoing reasons, Applicant respectfully asserts that all of the features of the present claims are not disclosed in, nor suggested by, Seegert.

Accordingly, reconsideration and removal of the above rejection based on Seegert is believed to be warranted.

In view of the foregoing, it is respectfully submitted that the subject application is in condition for immediate allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the Examiner is invited to call Applicant's Attorney at the telephone number indicated below.

Respectfully submitted,

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June 8, 2004

Christine Wilkes Beninati (Reg. No. 37,967) Date

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CERTIFICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Box AF on the date shown below.

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